

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ANNA OMELIN, individually and as an  
administrator of the Estate of Anton Omelin,  
deceased,

Plaintiff,

vs.

HANSEN BEVERAGE COMPANY d/b/a  
MONSTER BEVERAGE CORPORATION,  
a Delaware corporation, MONSTER  
ENERGY COMPANY, a Delaware  
corporation, RED BULL NORTH  
AMERICA, INC., a California corporation,  
and DOES 1-100, inclusive,

Defendants.

Civil Action No. 3:17-cv-05837

DEFENDANT RED BULL NORTH  
AMERICA, INC.'S REQUEST FOR  
JUDICIAL NOTICE IN SUPPORT OF  
MOTION FOR SUMMARY JUDGMENT

NOTE ON MOTION CALENDAR:  
FRIDAY, OCTOBER 12, 2018

Pursuant to Rule 201 of the Federal Rules of Evidence, Red Bull North America, Inc. (“Red Bull”) respectfully requests that the Court take judicial notice of Anton Omelin’s Certificate of Death from the State of Washington’s Department of Health, which is attached as **Exhibit K** to the Declaration of Aaron Perahia dated September 20, 2018, filed concurrently herewith.

### **ARGUMENT**

The Court “may judicially notice a fact that is not subject to reasonable dispute because it . . . can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. § 201(b)(2). Thus, the Court “may take judicial notice of ‘matter of public record.’” *Lee v. City of Los Angeles*, 250 F.3d 668, 688-89 (9th Cir. 2001) (quoting *Mack v. S. Bay Beer Distrib.*, 798 F.2d 1279, 1282 (9th Cir. 1986)); *see also Santa Monica Food Not Bombs v. City of Santa Monica*, 450 F.3d 1022, 1025 n.2 (9th Cir. 2006) (judicial notice of city government documents as public records). Judicial notice of public records is proper because “such documents ‘are not subject to reasonable dispute.’” *Hogan v. Unum Life Ins. Co. of Am.*, 81 F. Supp. 3d 1016, 1020 (W.D. Wash. 2015) (citing *Reyn’s Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.6 (9th Cir. 2006)).

A death certificate is a matter of public record that is properly subject to judicial notice. *See, e.g., MacLay v. M/V SAHARA*, 926 F. Supp. 2d 1209, 1217 (W.D. Wash. 2013); *see also In re State Farm Life Ins. Policy No. LF2655-1797*, 2011 WL 2174356, at \*6 n.9 (C.D. Cal. June 1, 2011) (“A death certificate is not subject to reasonable dispute and is capable of accurate and ready determination.”). In *MacLay*, the court took “judicial notice of the death certificate” and the facts stated therein, including “judicial notice of the mode/manner of [the decedent’s] death as ‘accident,’ and the cause of death as ‘drowning and skull fracture due to blunt force head injury.’” *Id.* (citing Wash. Rev. Code § 70.58.180). As in *MacLay*, Mr. Omelin’s death certificate is a matter of public record, which was obtained from the State of Washington Department of Health. As a result, it is not subject to reasonable dispute and is capable of accurate and ready determination. Therefore, the Court should judicially notice Mr. Omelin’s

1 death certificate in Exhibit K, as well as the fact that Mr. Omelin's death was caused by  
2 "aspiration of gastric contents," with "alcohol intoxication" as the contributing condition to his  
3 death. *See also, e.g.*, Dkt. # 64 at 7 (taking judicial notice of Mr. Omelin's death certificate).

4 **CONCLUSION**

5 For the foregoing reasons, Red Bull respectfully requests the Court take judicial notice of  
6 the documents and facts in Exhibit K.

7  
8  
9 /s/ S. Karen Bamberger

10 S. Karen Bamberger, WSBA No. 18478  
11 kbamberger@bpmlaw.com  
12 BETTS, PATTERSON & MINES  
13 Phone (206) 292-9988  
14 Fax (206) 343-7053  
15 701 Pike Street, Suite 1400  
16 Seattle, Washington 98101-3927

17 Michael E. Williams (*pro hac vice*)  
18 michaelwilliams@quinnemanuel.com  
19 Valerie A. Lozano (*pro hac vice*)  
20 Valerielozano@quinnemanuel.com  
21 Aaron Perahia (*pro hac vice*)  
22 aaronperahia@quinnemanuel.com  
23 QUINN EMANUEL URQUHART &  
24 SULLIVAN, LLP  
25 Phone (213) 443-3000  
26 Fax (213) 443-3100  
27 865 South Figueroa Street, 10th Floor  
Los Angeles, California 90017-5003

*Attorneys for Defendant Red Bull North  
America, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 20, 2018, I caused a true and correct copy of the foregoing Request for Judicial Notice to be filed in this Court's CM/ECF system, which will send notification of such filing to all parties who have appeared in this matter.

DATED this 20th day of September, 2018.

/s/ S. Karen Bamberger  
S. Karen Bamberger, WSBA No. 18478